

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

LEON EUGENE MILLER,)	CASE NO. C04-1289-MJP-MAT
)	
Petitioner,)	
)	
v.)	MINUTE ORDER
)	
GARY FLEMING,)	
)	
Respondent.)	

The following Minute Order is made by direction of the court, the Honorable Mary Alice Theiler, United States Magistrate Judge:

In his response to respondent's supplemental brief regarding *Bockting v. Bayer* (Dkt. 24), petitioner notes that respondent raised the issue of the testimonial nature of hearsay statements made to Dr. Minton and Nurse Martinez. Petitioner states that "[i]f the Court intended that the parties raise this issue in the current briefing, then Petitioner requests leave to submit a supplemental brief addressing the testimonial nature of the hearsay statement."

Although the Court did not specifically request the parties to file supplemental briefs regarding the testimonial nature of hearsay statements to Dr. Minton or Nurse Martinez, in the interest of fairness the Court will grant petitioner leave to file a supplemental brief on this issue if he wishes. Respondent may also file a supplemental brief limited strictly to this issue if he chooses. Any supplemental briefs should be no more than **ten (10) pages** and must be filed and

01 served no later than **Thursday, May 19, 2005.**

02 This matter (Dkt. 21) is renoted on the Court's motion calendar for **May 20, 2005.**

03 DATED this 9th day of May, 2005.

04
05 BRUCE RIFKIN, Clerk

06 By s/ Gary W. Burnopp
07 Deputy Clerk
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